

Minutes of a Regular Meeting

Approved 1/19/06

Town of Los Altos Hills PLANNING COMMISSION

THURSDAY, DECEMBER 8, 2005, 7:00 p.m.
Council Chambers, 26379 Fremont Road

cc: Cassettes (2) #1-06

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Cottrell, Commissioners Carey, Kerns, Collins & Clow

Staff: Carl Cahill, Planning Director; Leslie Hopper, Project Planner; Debbie Pedro, Senior Planner; Brian Froelich; Assistant Planner; Lani Smith, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

- 3.1 LANDS OF MALAVALLI, 27500 La Vida Real (131-05-ZP-SD-GD); A request for a Site Development Permit for a 17,389 square foot two-story new residence with a 5,752 square foot basement and a new driveway, a 1,024 square foot detached accessory building, and an 867 square foot detached garden pavilion (maximum structure height 27 feet). Parcel size: 8 acres including 3.54 acres in conservation/open space easements (staff-Leslie Hopper).

Planner Hopper introduced this item by reviewing the staff report, in particular, the following items: description of the project on an 8.03 acre site; background of the project including an aerial photo of the site; access to the property provided by two new driveways both of which have been counted 100% in development area; the Santa Barbara Mission style architecture; the height and visibility of the project and the lowering of the building pad as much as 8 feet in order to restore the natural grade by removing the existing fill that was used to raise the previous house; the visibility of the back of the house to the neighbors who live across the canyon; lighting which includes 22 skylights; landscape and a tree inventory including trees proposed to be removed; grading and tree protection; and connection to an existing sanitary sewer line. She further discussed the existing conservation easements (3.50 acres) on the property as well as the two new proposed open space easements (1.25 acres) all totaling 59% of the property. The Pathway Committee recommended the construction of a native path. The best route for the path would not necessarily be located within the existing easement so the Committee recommended that the easement be adjusted as necessary to be consistent with

the path. However, the applicants do not consider construction of the path to be appropriate per a report from Michele Korpos of Live Oak Associates. They are requesting that they be allowed to pay pathway fees in lieu of constructing the path. Staff, having hiked through the area, agreed that the path would be difficult to construct and maintain.

She continued stating that the site plan calls for three clusters of solar panels located in the southeast corner of the site with one of the clusters in a proposed open space easement. Altogether, the solar panels would comprise approximately 3,000 square feet. This total has not been included in the development area. At this point, the solar panels are conceptual only and if they are to be installed in the proposed location it would push the project over the maximum development area. This needs to be addressed. Another item to be addressed is while restoring the natural grade by removing the existing fill there is a concern with the six (6) Heritage oaks with possible roots extending into the fill. In order to protect the oaks, they have proposed some tree protection measures which have been incorporated into the conditions of approval recommended by the Town consulting arborist (COA #1). Planner Hopper concluded her presentation noting that there was a model of the project site available for review.

Commissioner Carey clarified that during the time of reviewing the Master Path Map, the Planning Commission recommended the removal of this pathway with the City Council recommending the path to be kept.

Discussion ensued regarding how a driveway was counted toward development area. Planning Director Cahill indicated that the first 100 feet from the required garage is counted. Anything beyond the first 100 feet of the required driveway is not counted. In the case where someone constructs accessory paving and driveway that is more for personal aesthetic reasons, it is counted the same as a patio or any sort of hardscape surface. Commissioner Kerns questioned the deer fence plan which appears to be for reference and will return with the landscape screening plan. Planner Hopper indicated that the deer fencing is also shown on the site plan and will be a part of this proposal tonight. For clarification, she indicated the location of the proposed deer fencing noting the areas of fence within the conservation easement which drops in height to meet the current fence ordinance.

OPENED PUBLIC HEARING

Kartik Patel, project architect, provided a brief history of the project. He felt that everyone would be proud of this project, not only the applicants but also the community. He discussed green architecture, architecture that is sensitive to the environment taking into account the topography, the neighbors and the surrounding neighborhood architecture. The project team was present which included the landscape architect, the environmental consultants, team arborist and also a representative from Valley Crest who will be taking care of all of the trees that have been removed when the first home was demolished and have been cared for the past year. Also present was their solar consultant as they want to make this house as efficient as possible and try to conserve energy. With the aid of a visual presentation and a full scale model of the site, Mr. Patel discussed the following: the recent lot merger; the existing and proposed conservation areas which will total close to 60% of the property; the long narrow lot

with a house placement on a flat area; the long driveway which addresses the estate type home with a drop off point at the front door of the house; the long driveway to accommodate any traffic on the site; the request for some credit for the driveway to accommodate the proposed solar panels; several gardens on the site; the Santa Barbara Mission style house with a central courtyard in the back; the proposed color palette; and the landscape design and water features. He understood that there were two neighbors who were concerned with the view of the tower element indicating the distances from each neighbor. In conclusion, Mr. Patel stated that the architecture of the house was inspired by the Santa Barbara Mission style. They felt strongly that given the geographic location, this style best fits the area. The projects will implement green architecture and energy conservation.

Mr. Patel indicated that the representative from Valley Crest will be discussing the removal and transplanting of specific oak trees. Regarding the conditions of approval, they would like the Commission to review four items: (1) request to remove/clear poison oak from the current and proposed conservation easements; (2) development credit for the long driveway which will be used for the solar panels; (3) grading proposed around the oak trees asking if they would be allowed to use very light power equipment to move the dirt in the presents of an arborist. If there is evidence of significant roots, they would not grade in that area. (4) opposed to the construction of a pathway. He felt there was a major safety issue with the path as there is no good termination of the pathway once you reach Natoma Road. Natoma Road is a very steep, windy road with a blind corner at that point. This is a very dangerous area and not a good termination of the pathway. Also, it is an environmentally sensitive area needing two bridges involving the Army Corp of Engineers and the Department of Fish and Game. Also, they have not found anyone in the neighborhood who is requesting them to build the pathway.

Commissioner Clow asked if the solar arrays were visible to any neighbors. Mr. Patel responded not to his understanding. The way they could find out is to erect story poles. In answering a question, he noted that the natural foot paths leading into the new conservation would be allowed as it meets the conservation easement goals.

Mr. Malavalli, in discussing his dream house will make sure it is a quality house retaining the nature habitat of the area. Los Altos Hills has been their home for the last 10 years indicating it took that long to find the ideal area for their house. He does want to keep his neighbors happy. He appreciates Los Altos Hills' environmental restrictions as they want to maintain the natural environment.

Dale with Valley Crest stated the company has been moving trees for the last 50 years in California. They have already moved many trees on site and have maintained them for the last year. They are all doing great. There is thought of moving two additional trees on the site which are larger than the ones already moved. It should be a successful move (the company is in the high 90% success rate). Care of a tree after it is moved is important so they maintain the trees after they are moved which could last for years.

Mr. Patel would like to try to save the existing oak trees #130 and #132 slotted for removal. Even though the approval package shows them to be eliminated they have requested that they try to save them and maintain them throughout construction and review their conditions at the end of the construction period.

David Bulfer, Lucero Lane, looks down on the two properties that have been merged and has had the pleasure of meeting the applicants who care about the environment. He felt the improvements will make the site more rural. He walks every morning with his wife and he felt the proposed path was too dangerous to use. His biggest concern was the process of the construction and felt the applicants will consider the neighbors in the entire process. He voiced support of the project.

De Gheest, 12133 Foothill Lane, property located across the canyon. She provided a photo of the property site as viewed from her kitchen. She explained that she will not only see the top of the roof but also a part of the walls. There will be a significant view of this property from her house as well as being an eye sore with the proposed removal of trees. She asked that if the two oak trees are removed they be replaced three to one to provide privacy to the people across the canyon. She noted that they asked for the same thing when the two lots were merged. She would also hope that the construction site would not be too visible by using a dark color fence instead of an orange fence. She also noted that the tower was very visible and one of the trees behind it is slated to be removed. Regarding the proposed solar panels, she requested that they erect orange poles prior to approval to view the full impact.

Brian Macknick, 27608 Vogue Court, resident for over 22 years, spoke against the off road pathway through Deer Creek wildlife corridor as proposed due to environmental and ecological issues. He referred to the letter from Live Oak Associates regarding their findings and the value of preserving this wildlife corridor in its natural state. He also supports the efforts of the wildlife survey recently mailed out by the Town. Maintaining natural corridors will keep animals healthy and wild and minimize contact with humans allowing them to continue living in as natural state as possible. He further discussed safety, ingress and egress on this pathway which includes crossing over Natoma Road with a very narrow and tight turning road with no shoulder. He felt it was a foreseeable event that horses or people could be injured by having this path exit right onto and then cross over Natoma Road to the other path on a blind curve as presently proposed. The Town's Master Pathway Plan was just reviewed last March when the Planning Commission recommendation regarding B3.22 or Deer Creek was not to retain MPP due to erosion issues on steep ravines and redundancy to existing off road paths from Black Mountain Road.

John Spar, 12121 Foothill Lane, as a new owner, he has not had time to digest the proposed application.

Mark Vernon, 12119 Foothill Lane, echoed comments made by resident at 12133 Foothill Lane as he was very concerned with the removal of trees which currently helps screen the site. He felt any new plantings would not screen anything unless they were of significant height and span like the trees presently on site. He felt he needed more information regarding the

trees slated to be removed. He stated he was not strong on the pathway issue. The letter from the Town's consulting arborist had requested more information regarding the trees to be removed.

Ginger Summit, 13310 Lennox Way, Chairperson of the Pathway Committee, spoke to the proposed path which is potentially a very beautiful path. She felt it was important to maintain the existing paths and increase them whenever possible. The easement exists, only requiring construction. When the Committee walked the path there was some question as to where the boundaries actually exist. She believed that the applicants were going to have the area re-surveyed to clarify the boundaries. The proposed native easement is for 5 feet however, it could be less. She did not feel it was infringing on anyone's privacy. She further discussed the flexibility where the path would exit onto Natoma Road. Discussion ensued regarding culverts and/or retaining walls made of natural material (not concrete). It would be the Committee's preference not to have the path cross the creek but to stay on one side of the creek by modifying the easements appropriately so they would not have to construct bridges. The Committee would work with the property owners and their landscape person to make it as financially reasonable as possible.

Dot Schreiner, Saddle Mountain Drive, quoted from the General Plan Pathway Element adopted in 1996 stating that "the pathways system serves three basic and important function; circulation, recreation, and preservation of the open character of the Town". "Off-road paths, which connect to roadside paths or open space lands, are generally located on dedicated easements on private property (usually along property lines), through public lands, or through privately owned conservation/open space easements". She further referred to B3, off-road paths. She felt this was a very important path in Town and has been on the Master Pathway Plan forever. She hoped that the Commission would honor the commitment of all the work that has been done in the past and the decision by the Town Council that this is a path that should be in this Town.

Bob Stutz, Elena Road, walked the area in the 70's. He noted that if you come in contact with poison oak you use a Borax solution for relief.

Steve Kellenberger, Vogue Court, supports the pathway system but not in this case as the grade and terrain are steep. The existing easement 20 feet from the center line of the creek would put the potential path mid-way up the grade fall line. There is a severe problem with erosion with any path that is built. Privacy is also an issue. He did not feel the pathway would be used as much as those pathways already existing.

Scott Vanderlip, Fremont Pines Lane, supported the path. If a bridge is built, it could service another trail connecting to Taaffe.

Denise Williams, Corbetta Lane, voiced support of the path.

Roger Spreen, Chairman of the Open Space Committee, was very thankful for the conservation easements on the site, thanking staff and the applicants. In general, the committee would prefer to leave an open space easement in a natural state but it is not against the terms of an open space easement to remove poison oak.

Kristin Emery, 12121 Foothill Lane, new owner, asked that the trees be preserved for screening purposes.

David Bulfur, Lucero Lane, asked that trees #130, 132, 147 and 150 not be removed.

Resident at 12845 La Vida Real, has small children and takes them onto Natoma Road everyday. It is his experience that it is very dangerous on that road. Unlike other neighbors, if some trees are removed it will improve the views he use to enjoy.

Mr. Patel addressed comments regarding the trees scheduled to be removed: #150, a large eucalyptus; #147, 24" box oak tree to be relocated; #130 and #132 deemed structurally unstable. These are the two trees that they would like to save. Most of the trees proposed are going to be significant in size (15'x15'x10' in height), approximately 40 specimens.

Commissioner Kerns questioned tree #147 as it provides screening of the bell tower which some residents voiced concerns. He asked Mr. Patel if he was willing to keep #147 in its current location along with #130 and #132.

Mr. Patel responded yes. He indicated that he had walked the site with both Bob Stutz and Les Earnest. He stated that the property line is the center line of the creek. They staked this property several times, even the 20 foot easement. It is clear that when you take the 20 feet to the center line of the creek it is impossible to build. It is clear that they will need to cross the creek in two places; bridges will need to be built. They have never been under the impression that the path would be a 2 foot trail (native path). They have been told that the Committee had the authority to go beyond the 20 foot easement but there seems to be an issue regarding the removal of poison oak within the conservation easement. There is a real conflict of basic principles of what they are trying to achieve as a community.

CLOSED PUBLIC HEARING

Disclosures: Chairman Cottrell, Commissioners Carey and Collins walked the site in the company of the architect. Commissioner Clow walked the site with the architect and met with two of the neighbors. Commissioner Kerns walked the site and spoke to the architect by phone.

Commissioner Clow suggested separating the application and the pathway. He felt the project is beautiful. The applicants are spending approximately one million dollars moving and preserving trees which is an outstanding contribution to the community. They have a real commitment to energy efficiency with the plans for solar power. He would like to find a way to support the proposed solar power perhaps with an exception in development area. Planner Cahill suggested only counting the actual footprint of the free standing solar. Commissioner

Clow could support this suggestion. He did not feel that they would find oak tree roots in the fill area and he could support removing that fill using light machinery. The architect had indicated that tree #147 would be moved but he felt it was not intended to be removed. The residents across the valley have a real interest in keeping a tree that would shield the house from their views. He would support retaining tree #147. He does not support retaining the Eucalyptus tree. He would recommend approval of the project. Regarding the pathway, he felt that they needed to honor the process. They went through a process as a Town to create a path map. As a Commissioner he had voted against this path segment as did the other Commissioners. However, the Council voted for it. He would honor a type of path appropriate for that valley. The Gintzen path in Byrne Preserve is a good example of an appropriate path (more like a two foot wide path). Any retaining walls would be 2' x 1'0 with stake into the hillside (no concrete retaining walls). There may be a need for bridges. The idea of having a path going into the conservation easement going away from the creek where needed to make a comfortable path makes sense. He would not expect any large trees to be cut down to create this path.

Commissioner Collins discussed the four points presented by Mr. Patel: (1) poison oak removal in the conservation easement (supports); (2) credit for the driveway (does not support); (3) grading, agrees to save tree #147. She thought he had it in his heart to save the other two trees. They should be able to use light equipment if they do not discover roots. (4) Pathway, the pathway was already decided upon during the Master Pathway process (honor the map).

Commissioner Kerns voiced support of the application with the use of the energy efficiency (solar panels throughout the project). He also agreed that he would rather not give credit for the driveway but instead allow the construction of the solar panels. He felt trees #130, 132 & 147 should remain and shown as not being removed, making every effort to keep those trees. He also supports the use of light machinery if they determine that the roots are not substantial in that area as well as the poison oak removal. He has not been a strong advocate of off-road pathways in areas where the neighbors do not support them. He felt there was a parallel pathway on Black Mountain that essentially connects the same areas. He was very concerned with the wildlife corridor and when they had this discussion at the Planning Commission during the review of the Master Path Map it was unanimous that they did not support this pathway.

Commissioner Carey supported the removal of poison oak from the conservation easement. He would allow more credit for the driveway as it is a required element for the house giving, credit for the first 100 feet and the like credit for the smaller driveway, using the available development area for the solar panels only. Regarding the grading around the oak trees, he would allow grading to be done in that area with light machinery whether or not there are roots in the fill. Grading in the area is preferable to retaining walls. He supports the retention of trees #130, 132 and 147 rather than removing those trees. Regarding the pathway, he agreed with Commissioners Clow and Collins by supporting the Master Pathway Plan.

Chairman Cottrell stated to all of the neighbors present how fortunate they were to have an applicant who cares about them and the environment and who has brought in a plan of this kind. He supports the removal of poison oak, using light equipment for the grading and trying to save trees #130, 132 and 147 and any others except the Eucalyptus tree. He also voted against the pathway last March but they do need to support the City Council. The pathway should be a nature type pathway. If there are issues when it comes time to lay it out, he suggested going back to the Pathway Committee so you end up with a path that has some common sense to it. He also supports the solar panels.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Carey recommending that the pathway be built with the guidance that it be more of a 2 foot wide pathway rather than a 5 foot pathway something similar to the Gintzon trail in Byrne Preserve. Concrete retaining walls or large tree removal is not recommended. Two bridges may be necessary. At the applicant's discretion, they could widen the pathway easement to allow the pathway to go further away from the property line to better stay with the terrain. The actual layout of the pathway is at the applicant's discretion (construct a native path) with any needed assistance from the Pathway Committee, Lands of Malavalli, 27500 La Vida Real.

AYES: Chairman Cottrell, Commissioners Collins, Carey & Clow
NOES: Commissioner Kerns

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Kerns to approve the Site Development Permit for a new residence with partial basement, indoor swimming pool, and three detached accessory structures, Lands of Malavalli, 27500 La Vida Real, with the following additions/changes to the conditions of approval: add to the conservation easement description that the applicants are allowed to remove poison oak; exempt the solar panels from development area except for the footing area; allow light equipment for the removal of the fill; the applicants will try to save trees #130 & 132; tree #147 shall not be removed; tree #150 (Eucalyptus tree) can be removed; remove. Delete #1 (5); change #1 (6) as follows: Grading will be allowed to occur by hand, with the use of shovels, hand mattocks, hand trowels and light equipment.

AYES: Chairman Cottrell, Commissioners Carey, Collins, Clow & Kerns
NOES: None

This approval is subject to a 23 day appeal period.

Brief break at 9:30 p.m.

- 3.2 LANDS OF PERRELL, 26300 Silent Hills Lane (165-05-ZP); A request for an exception to Section 10-1.507(c)(5) of the Municipal Code for a six foot (6') tall brown vinyl coated chain link fence along the Silent Hills Lane frontage. The Code requires four and a half feet (4.5') tall as the maximum height permitted. The request for the exception is pursuant to Section 10-1.507(d) (staff-Brian Froelich).

Planner Froelich introduced this item noting that the site is currently in the final construction stages of a new residence, secondary dwelling unit, carriage house, and a cabana approved by the City Council on September 12, 2002. The landscape screening plan was approved by the Planning Commission on September 8, 2005. He reviewed the applicant's request for a fence along the property boundary adjacent to Silent Hills Lane, findings for the exception prepared by the applicant, and findings for denial prepared by staff. He provided a power point presentation of the site showing the location of the fence which would cut off the conservation easement. In the review of the application, it was brought up that a neighboring property owner (Lands of Cleary) was granted a fence variance. Findings for the Lands of Cleary were made due to the unusual configuration of the road which created a hardship.

OPENED PUBLIC HEARING

Beth Perrell, applicant, clarified that they were only asking for one exception for the front fence. This is a small request when reviewing the entire project over the last five years. She felt that the proposal conforms with the requirement for an exception in this case as the height and design of the proposed fence is in balance with the rest of the site and neighborhood. Their request is similar to other properties in the area. The rural character is preserved; and the fence does not interfere with any views of the vineyard and oak trees. They have received PG&E written approval for this fence going over the PUE. They have also received written letters from at least three neighbors voicing full support of the project. Tearing out the vineyard would be a hardship. For all of the stated reasons, they are asking for this one small exception.

Charlie Perrell, applicant, spoke on the benefits of the vineyard holding the soil. The reason for a six foot fence is for security from vandals and to protect the vineyard from deer.

Nobuko Cleary, Silent Hills Lane, provided a brief history of the Perrell site noting that the old fence was built by Eshner in 1957. She stated that the 6 foot high fence would interfere with views from Silent Hills Lane. She voiced opposition to the request.

Roger Spreen, Rhus Ridge Road, stated he had walked the site and had issues with blocking off the conservation easements. To approve this application would disregard the fence ordinance in terms of what can be done in a conservation easement. It would deny the value of a conservation easement and why they are initially put together. It was good foresight for the Town to create these easement areas and to completely block them off is basically to discard them. He felt there was fencing that could be built to protect the vineyard without closing off the conservation easements. Regarding the security of the overall grounds, he would not want to set a precedent by blocking off conservation easements for security reasons.

Commissioner Clow suggested if the applicants were to reposition this 6 foot fence so the conservation easement next to the vineyard is on the outside of the fence rather than on the inside so they would still have a 6 foot fence that goes all around his property including the vineyard but that corner with the CE is outside of it. He asked Mr. Spreen if this would meet

his concerns. Mr. Spreen felt the area around the vineyard could be protected without effecting the conservation easement passage way.

Mr. Perrell stated that conservation areas are islands on their property. The conservation easements are places to not build or construct.

Nancy Couperus, member of the Open Space Committee, stated their concern is that they are having two beautiful conservation easements for wildlife that are completely contained, walled off so there is no possibility of the wildlife coming through that area. They are suggesting fencing along his property where it is developed but retain the easement and keep it open. The whole intent of a conservation easement is to allow for wildlife migration.

Gary Cleary, Silent Hills Lane, requested a lesser than a 6 foot fence in the hatched marked area with shrubs and trees to soften the look.

CLOSED PUBLIC HEARING

Commissioner Carey would not grant an exception to the ordinance. If a 6 foot fence is important to the applicants for security reasons, it would require taking out some of the vineyard. A smaller vineyard is not a hardship that justifies a variance. They can either build a 4 ½ foot fence and if further security is needed for the house, build a 5 foot fence somewhere behind the vineyard or remove part of the vineyard and build a 6 foot fence where the code dictates.

Commissioner Kerns was very concerned with setting a precedent. There are options as previously mentioned.

Commissioner Collins also did not support this request as there is no hardship and they can put in a 4 ½ foot fence or put the fence on the other side of the vineyard.

Commissioner Clow concurred.

Chairman Cottrell also concurred.

MOTION SECONDED AND PASSED: Motion by Commissioner Carey and seconded by Commissioner Kerns to deny the request for an exception to Section 10-1.507(c)(5) of the Municipal Code for a six foot (6') tall brown vinyl coated chain link fence along the Silent Hills Lane frontage. The Code requires four and a half feet (4.5') tall as the maximum height permitted. The request for the exception is pursuant to Section 10-1.507(d), Lands of Perrell, 26300 Silent Hills Lane.

AYES: Chairman Cottrell, Commissioners Collins, Kerns, Clow & Carey
NOES: None

This decision is subject to a 23 day appeal period.

- 3.3 LANDS OF PERRELL, 26411 Eshner Court (166-05-ZP); A request for an exception to Section 10-1.507(c)(6) of the Municipal Code for a six foot (6') tall brown vinyl coated chain link fence along the boundary of an existing Conservation Easement. The Code requires openings for free passage of wildlife and split-rail type fence. The request for the exception is pursuant to Section 10-1.507(d) (staff-Brian Froelich).

Planner Froelich provided a brief staff report. This application differs from the previous application as wildlife is not specifically noted in the Conservation Easement agreement. Further, this easement is isolated from other Open Space/Conservation easements and are designated by the General Plan Land Use Map as open space preserve. This easement does not appear to be a part of a larger preservation area for wildlife migration. If the Commission approves this project, staff has included a specific condition that three sections of the fence have a one foot opening at the bottom to allow small wildlife passage. It was noted that this fence does not comply with the Town's fence ordinance so the applicants are requesting an exception.

Commissioner Kerns asked staff if the fence was located on the inside property line on the other side of the conservation easement could it be a 6 foot high fence. Staff responded yes. Although a potential problem would be if another property owner comes in with a fence on that side.

OPENED PUBLIC HEARING

Charles Perrell, applicant, did not feel the referenced section of code applied as fencing for an open space conservation easement. This conservation easement was not granted or titled as a conservation easement. There are different types of CE and any time a land owner grants a CE, they can write it up with different terms and conditions. Sometimes it may be intended to deal with wildlife migration but many times it is not. In this case the CE was to protect the very steep land to prevent erosion problems and to protect the view those beautiful trees provide from Eshner Court and down below. He further discussed condition #A.1-2. They do not want the large animals going through there. Property security and issues with coyote sightings was a concern. He provided news articles regarding coyote problems as well as a dangerous deer.

Commissioner Carey asked the applicant if there place that he can fence his property (living area) to prevent these intruders from accessing the property that does not include a chain link fence that blocks the conservation easement.

Discussion ensued regarding possible fence placement.

Noboko Cleary, Silent Hills Lane, voiced opposition to the proposed fence.

CLOSED PUBLIC HEARING

Commissioner Collins discussed the whole impact of the fencing proposal. She understands the applicants' security concerns (home and yard) from big animal invasion but not by fencing the entire perimeter of these lots. The conservation/open space easements are to protect the steepness of the property and to protect views but it is also to protect habitat. Habitat does not exist on an island but needs to flow. The proposal to fence the entire perimeter eliminates the flow. She cannot support this project.

Commissioner Kerns again was concerned with setting a precedent. We do have ordinances dealing with fencing and should abide by the ordinances. He felt that the applicants have options regarding fencing.

Commissioner Carey agreed with previous comments.

Commissioner Clow concurred with Commissioner Kerns.

Chairman Cottrell also concurred.

MOTION SECONDED AND PASSED: Motion by Commissioner Kerns and seconded by Commissioner Carey to deny the request for an exception to Section 10-1.507(c)(6) of the Municipal Code for a six foot (6') tall brown vinyl coated chain link fence along the boundary of an existing Conservation Easement. The Code requires openings for free passage of wildlife and split-rail type fence or an alternative style of a conforming location, Lands of Perrell, 26411 Eshner Court.

AYES: Chairman Cottrell, Commissioners Collin, Carey, Clow & Kerns
NOES: None

This decision is subject to a 23 day appeal period.

- 3.4 **PREZONING OF UNINCORPORATED SAN ANTONIO HILLS AREA:** Prezoning of approximately 82 unincorporated parcels (19.99 acres) east of the Town of Los Altos Hills and south of the City of Los Altos, generally between Magdalena Avenue and Eastbrook Avenue including Spalding Avenue, Par Avenue, Winding Way, Putter Avenue, and Putter Way. The proposed Town of Los Altos Hills zoning designation, Residential-Agricultural, would have no effect unless these lands were annexed to the Town. No such annexation is proposed as a part of this project. No physical changes are proposed as a part of this prezoning application (staff-Debbie Pedro).

Planner Pedro introduced this item by reviewing the staff report and providing background information regarding prezoning 82 parcels within the Eastbrook-Magdalena neighborhood. The program to prezone the project area was required as part of the State's Housing and Community Development Department certification of the Town's 2002 Housing Element. The purpose of the prezone and eventual annexation of the project area is to add to the supply of available housing units in the Town and provide greater housing variety at higher densities than currently are allowed in the Town. She provided a power point presentation identifying

the areas being discussed. The zoning classification established through the prezoning procedure will become effective and enforceable when annexation is approved. Since no annexation is proposed as a part of this project, the prezoning would have no force or effect on the subject properties at this time.

OPENED PUBLIC HEARING

Carl, 11754 Eastbrook Avenue, representing some of the neighbors who could not be here, voiced some concerns regarding lack of information (when, why, how) requesting more time be given for review. The main concern is annexation. Do they have a choice in the matter? Since he has no information, he does not know what to ask. Why go through the process of prezoning if there is not a plan for annexation.

The process for annexation was reviewed by Planner Pedro. It was noted that the subject this evening was prezoning not annexation.

Glen Balder, 11550 Magdalena Avenue, noted that when the Eastbrook-Magdalena area becomes pre-zoned there will be two homes left like an island completely surrounded by Los Altos Hills on all four sides. He asked what the purpose of having this island. Planning Director Cahill responded that the area has already been pre-zoned. Mr. Balder continued stating he sees pre-zoning as a step to annexation.

CLOSED PUBLIC HEARING

Commissioner Clow was against the proposed pre-zoning as it contradicts with the Town ordinances in terms of density, open spaces, pathways which are all predicated on one acre parcels. They would be creating a separate town within a town that has a whole different structure. They will have to re-work everything. There is a possibility that an acre site might request a four lot subdivision since it is next door to a quarter acre parcel. Another scenario would be an owner of a quarter acre lot requesting a 5,000 square foot home.

Commissioner Kerns agreed with the previous comments.

Commissioner Collins disagreed with the previous comments. Adding a little bit of a zoning pocket to the Town is not a problem compared to the cities she had worked in as a planner (Seattle and Dallas). She found no problem supporting the pre-zoning and moving it forward to the City Council.

Commissioner Carey was concerned as he did not understand the proposal and as a body did not understand the implications of not going forward with the pre-zoning. Obviously, there are some important reasons to go forward with the pre-zoning but based upon some potential State requirements that could have negative implications for the Town if not fulfilled, he does not understand enough to make an adequate judgment. He suggested continuing this issue and to learn more about it before making a decision.

Commissioner Kerns would support a continuance also.

MOTION SECONDED AND PASSED: Motion by Commissioner Kerns and seconded by Commissioner Clow to continue the proposed pre-zoning of the Eastbrook-Magdalena area for the effected residents to have more time to evaluate what this means and also for staff to access implications if this area is not pre-zoned.

AYES: Chairman Cottrell, Commissioners Clow, Carey & Kerns
NOES: Commissioner Collins

This item will be re-scheduled to an uncertain date. When a date is determined, notices to the effected residents will be mailed.

3.5 ORDINANCE AMENDMENTS TO THE TOWN'S ZONING CODE WITH REGARD TO FENCES (Section 10-1.507. Fences, Walls, Gates, and Columns. Changes include a requirement for neighbor notification and a public hearing for certain types of fences; standards for fences along the perimeter of wildlife corridors; and a requirement that fences that replace existing nonconforming fences must comply with the new ordinance standards (staff-Leslie Hopper).

Planner Hopper introduced this item by reviewing the staff report and by providing the background of the formation of an Ad Hoc Planning Committee authorized to review the current fence ordinance and develop proposed amendments. On September 8, 2005, the Ad Hoc Planning Committee submitted its draft fence ordinance proposal to the Planning Commission for review and comments. The Ad Hoc Committee has incorporated the Planning Commission's comments into Attachment 1 of the staff report. The main changes involve requiring public notice and a hearing for certain types of fences: fences that require the removal of existing landscape screening; solid fences that impact neighbor views; and any other proposal that the Planning Director deems appropriate for a hearing. The ordinance also clarifies Development Standards and makes fences located in or around officially designated wildlife corridors subject to the same requirements that apply to fences on the perimeter of open space/conservation easements. Another major change involves "nonconforming fences".

OPENED PUBLIC HEARING
CLOSED PUBLIC HEARING

Commissioner Kerns, Collins and Clow voiced support of the amendments as proposed.

Commissioner Carey discussed the following: (e) open fences using natural materials and colors, including unpainted or stained white...; (8) maximum height of outdoor athletic court fencing located beyond the structural setback line for the particular property (10'); and (h) any fence proposed to exceed a height of 6 feet or encroach in required setbacks shall require a variance.

Planner Hopper noted that they were trying to distinguish between exceptions and variances. It is stated better in the staff report "any fence over 6 feet in a setback area or closer to the center line of the road than required shall require a variance".

MOTION SECONDED, AND PASSED BY CONSENSUS: Motion by Commissioner Clow, seconded by Commissioner Collins and passed by consensus to forward recommendations to the City Council with a change to (h) exceptions, "Any fence over 6 feet in a setback area or closer to the center line of the road than required shall require a variance in accordance with the provisions of Article 11 of the Zoning Ordinance."

This item will be scheduled for a future City Council agenda.

4. OLD BUSINESS-none

5. NEW BUSINESS

5.1 Change to Planning Commission meeting dates: 1st (and 3rd when necessary) Thursday of the month beginning January 2006. Planning Director Cahill suggested meeting on January 19, 2006 (the third Thursday). All Commissioners were in agreement.

5.2 Highly Visible Lots (staff-Leslie Hopper).
To be continued to the first meeting in January (1/19/06).

6. REPORT FROM THE CITY COUNCIL MEETING-none

7. APPROVAL OF MINUTES

7.1 Approval of October 13, 2005 minutes

PASSED BY CONSENSUS: To approve the October 13, 2005 minutes

8. REPORT FROM FAST TRACK MEETING-NOVEMBER 22 & 29, 2005

8.1 LANDS OF DIVATIA, 27101 Byrne Park Lane (139-03-ZP-SD); CEQA Status: exempt 15301 (e). A request for a Site Development Permit for a 1,705 square-foot addition to the existing 4,270 square foot single family residence. The proposal includes modification of the existing driveway and the garage (maximum height 18 feet) (staff-Brian Froelich). Approved with conditions.

8.2 LANDS OF KIM, 13686 Page Mill Road (129-05-ZP-SD-GD); A request for a Site Development Permit for a 5,999 square foot two-story new residence with a 2,686 square foot basement (maximum height 27 feet) and a 677 square foot swimming pool (staff-Debbie Pedro). Approved with conditions.

- 8.3 LANDS OF NIE, 13070 S. Alta Lane (85-05-ZP-SD-GD); A request for a Site Development Permit for a 456 square-foot first and second story addition, major remodel, and 472 square foot attached secondary dwelling unit (maximum height 24 feet) (staff-Debbie Pedro). Approved with conditions.

9. REPORT FROM SITE DEVELOPMENT MEETING-NOVEMBER 8 & DECEMBER 6, 2005

- 9.1 LANDS OF KITA, 24931 Oneonta Drive (168-05-ZP-SD); A request for a Site Development Permit for a landscape screening plan (staff-Brian Froelich). Approved with conditions.
- 9.2 LANDS OF DAUGHTERS OF CHARITY, 26000 Altamont Road (152-05-ZP-SD); A request for a Site Development Permit for a 1,166 square foot addition (maximum height 17 feet) (staff-Debbie Pedro). Approved with conditions.
- 9.3 LANDS OF OSKOUY, 24143 Hillview Drive (77-03-ZP-SD); A request for a Site Development Permit for a 1,000 square foot pool and a 3,129 square foot deck area and a Permit Modification of the previously approved Site Development Permit #229-00 for a new two-story residence to increase the size of the basement and grading quantities. Approved with conditions.

10. ADJOURNMENT

The meeting was adjourned by consensus at 11:25p.m.

Respectfully submitted,

Lani Smith
Planning Secretary